

**House File 12 - Introduced**

HOUSE FILE 12

BY WOLFE

**A BILL FOR**

1 An Act relating to the awarding of extraordinary visitation to  
2 a noncustodial parent.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.41, Code 2017, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 6A. *a.* If joint legal custody is awarded  
4 to both parents, but joint physical care is not awarded to both  
5 parents under subsection 5, paragraph "a", upon the request of  
6 the noncustodial parent, the court shall award extraordinary  
7 visitation to the noncustodial parent, unless the court makes a  
8 finding of fact that awarding extraordinary visitation to the  
9 noncustodial parent is not in the best interest of the child.

10 *b.* For the purposes of this subsection:

11 (1) "*Days of visitation*" means overnight visits spent with  
12 the noncustodial parent during which the noncustodial parent  
13 cares for the child.

14 (2) "*Extraordinary visitation*" means an award of visitation  
15 that exceeds one hundred twenty-seven days of visitation per  
16 year but does not equal joint physical care.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill provides that if joint legal custody is awarded  
21 to both parents, but joint physical care is not awarded to  
22 both parents, upon the request of the noncustodial parent,  
23 the court shall award extraordinary visitation to the  
24 noncustodial parent, unless the court makes a finding of fact  
25 that awarding extraordinary visitation to the noncustodial  
26 parent is not in the best interest of the child. The bill  
27 defines "extraordinary visitation" based upon the child  
28 support guidelines definition of "extraordinary visitation".  
29 The child support guidelines consider an award of visitation  
30 to be "extraordinary visitation", for the purposes of the  
31 noncustodial parent receiving a credit toward the noncustodial  
32 parent's child support obligation, if the noncustodial parent's  
33 court-ordered days of visitation exceed 127 days per year but  
34 does not equal joint physical care. For the purposes of the  
35 bill, "days of visitation" means overnight visits spent with

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1 the noncustodial parent during which the noncustodial parent  
2 cares for the child.